



**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**REGULAR MEETING
MINUTES
for
September 24, 2001
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Floyd, Garcia, Gardner, Hendrick, Howe, and Huerta

Absent: Commissioner Egson & Goldware

Chairperson Howe called the meeting to order at 6:24 p.m. He asked that those present observe a moment of silence in memory of those who lost their lives on September 11th after which he led in the Pledge of Allegiance.

Motion was made by Vice-Chair Brewer and seconded by Commissioner Gardner to approve the minutes for the August 2001 monthly meeting. Motion was made by Vice-Chair Brewer and seconded by Commissioner Garcia to approve the minutes of the September 13, 2001 case review meeting. Both motions passed unanimously.

CHAIRPERSON HOWE – Executive Director's report, Item No. 3...

EXECUTIVE DIRECTOR'S REPORT & COMMENTS

EXEC. DIR. WILLIAMS – Thank you, Mr. Chairman, and I apologize for being late this evening. First of all, I want to introduce our new commissioner, Mr. Bill Floyd. He was given the formal ceremony...formally sworn in about two weeks ago, and I think we're going to have the ceremonial swearing in tomorrow, is that correct?

COMMISSIONER FLOYD – That's correct.

EXEC. DIR. WILLIAMS – That's correct. So if you can attend that, that'll be fine. Also, I want to introduce...

CHAIRPERSON HOWE – What time is that? 6:30?

EXEC. DIR. WILLIAMS – I'm not sure when it...

MS. SHERRON – It's 6:30.

COMMISSIONER FLOYD – It's scheduled for 6:30. Whether or not it occurs at 6:30...

EXEC. DIR. WILLIAMS – Well, if you’ve been to council meetings, you know how that goes. It’s a fluid 6:30. But you’re right. Also, I want to introduce Mr. James Ward. He’s our alternate commissioner. Whenever the next vacancy comes up, Mr. Ward will take that vacancy and then Council will go about filling others that come after that whatever way they choose. So, welcome to both gentlemen. I appreciate your volunteering. Thank you very much.

Second item that I’m looking at is expanding the staff of our office. What I’m trying to do is get a new...an investigator to help me out with the case reviews and also get another person in there to help with the community outreach part of our job. Phoebe is working at about 110% with what she’s got now and so additional duties just can’t get done without an extra body there. And one of the reasons that I’m not out is because IA has been doing a very good job of getting cases out and keeping me in the office reviewing them, so if I have a hand there, that’ll help. Also, that’ll give us a second level of review on these things and so it makes it a little better product, I think, coming to you and also with getting out to the police department. So we’re working on that. I hope to bring these people on board in the very near future. We’ll be able to pay for it out of current budget monies and everything. They’ll both be part time to see what kind of impact they have on the...on what we want to do. If it works as I think it will work, then next budget year we’ll hit up the powers that be for at least part-time, but probably full-time positions. So, that’s one of the things, from a staffing standpoint, we’re trying to accomplish.

We...I got an update earlier...or late last week on the Phaisouphanh shooting case. The Chief and I spoke and it is...I thought the case had gone to the D.A.’s prior to this, but apparently it had just gotten out of the Homicide individuals who’ve just finished it and it went to him and he sent it over to the D.A.’s office for their review and we don’t know how long it’s going to take before we get that back. And as soon as it gets back it’ll come to us and we’ll have our investigators go over it and this type of thing. So that’s still...I don’t know how long it’s going to be, so you know... And that’s all I’ve got this evening.

CHAIRPERSON HOWE – Next item on the agenda is Commissioner’s Comments. Any commissioner have a comment? Okay...

COMMISSIONER GARCIA – I do...

CHAIRPERSON HOWE – Go ahead, Bob.

COMMISSIONER GARCIA – Outside of the Commission, I’m on a new organization called the BTMA, Bands’ Together Musicians Association. It’s an entertainment organization for Latino entertainers and we assist them in getting gigs at venues and also with the business part of that. And we’re having a dance this coming Saturday at the VFW Hall, borderline San Bernardino / Rialto on Foothill. And if anyone is interested, see me after the meeting.

CHAIRPERSON HOWE – Okay. Now, Public Comments, Item No. 5. This is an opportunity for members of the public to address the Commission on any subject matter that is within the Commission’s jurisdiction, but is not an item on today’s agenda. Each speaker should complete and submit a “Request to Speak” form to the Administrative Clerk. Okay, we have Chani Beeman to address Item No. 3 on the agenda.

Chani Beeman

Good evening. I have a couple of questions regarding Don Williams’ report with regard to the Phaisouphanh shooting. Will the Police Review Commission get the RPD investigative report along with the D.A.’s investigative report, or will they get a summary or will they only get the ruling on the part of the District Attorney’s office?

CHAIRPERSON HOWE – Can you answer that, Don?

EXEC. DIR. WILLIAMS – Well, we'll get the RPD report for sure. I don't know what the D.A.'s going to give us. That's a good question. I don't know. I'll have to find out.

MS. BEEMAN – okay. As you know, there's been a great deal of concern regarding that situation. There seems to be some misunderstandings about what role this commission will play in the investigation of that shooting and I think it would be worthwhile restating what role the Police Review Commission is going to play in the investigation. My understanding was you had voted to do an independent investigation of that shooting, but you were going to wait until the RPD report was available and the District Attorney's report is available. I'm not sure everyone has that understanding or if my understanding is correct about what this commission is going to do. It's been four months.

CHAIRPERSON HOWE – It's my understanding that we are going to do an investigation when we get the information from the D.A.'s office.

MS. BEEMAN – Is that investigation going to be a paper investigation looking at RPD's report and looking at the D.A.'s, or are you going to have an investigator go out and interview witnesses and do a complete, independent investigation?

CHAIRPERSON HOWE – I would guess that we're going to look at the investigation to see if we need to send an investigator out. Is that our understanding?

EXEC. DIR. WILLIAMS – What we're going to do is, we're going to, obviously, look at the RPD's report. But as a part of that, to check and verify that the information is accurate, you're going to have to do an independent investigation; talk to the witnesses to see if there are other witnesses. See if what's been reported to them is the same thing that's being reported to us. That's how you check these things out. So you almost...when you do any kind of investigation like that, you're basically doing another investigation and that's just to make sure that everything is...all the bases were covered and done fully.

MS. BEEMAN – Okay. Now, if that investigation is an independent investigation, it should be subject to public information if it is not an RPD investigation. My understanding is the confidentiality and the records protections have to do with personnel information that originates from RPD. It does not include the District Attorney's office or your investigations. Is that your understanding?

EXEC. DIR. WILLIAMS – Our report will be a public report.

MS. BEEMAN – Okay. Your report or your investigation?

EXEC. DIR. WILLIAMS – Well, the report that comes out, that we...that is submitted will be...I mean, there will be a public report submitted and everything. We will, where we can - you know, stuff that's obviously been put out in the public already, for instance, Chief Leach's response – that will be part of it. We're going to, obviously, have to be careful what we put out so we don't violate any confidentiality laws, but as much as possible, if it's in the public record or if it's in the public domain and this type of thing, it'll be part of our report. So it's not...the only thing that won't be there is stuff that's clearly confidential in nature.

MS. BEEMAN – My understanding is that the investigative report from the Police Department is considered public.

EXEC. DIR. WILLIAMS – I don't know that I have that same understanding. I don't know.

MS. BEEMAN – Could we get some clarification on that, because, you know, I'm going to stand up here at every meeting and badger folks to make this information as public as possible. You know...

CHAIRPERSON HOWE – Yeah, this is all new to us, Ms. Beeman, and we're feeling our way through this since this is our first one.

MS. BEEMAN – Right. And I guess that my questions and the points that I'm trying to make is that at every turn it needs to be as public as possible.

EXEC. DIR. WILLIAMS – Well, we're in agreement with you on that. I don't think we're...you know, I think we agree on the philosophy. We may disagree on what can be and can't be, but we basically have to go with what the legal people tell us and their interpretation. We're going to make some decisions. It'll be the Commission's...we'll have a lot of input of what we put out is...or what we make public and this type of thing, but rest assured, we're going to get out as much as we possibly can. That's part of the reason this commission was formed and we understand that and that's...you know... But again, like the Chairman said, we're...this is our first one too. We're feeling it around. I wish I had all the answers. I don't.

MS. BEEMAN – Okay. Thank you.

CHAIRPERSON HOWE – Okay. Our next speaker is Mary Shelton.

Mary Shelton

Hi. I'm Mary Shelton, and I know that your job has always been tough, doing...improving the accountability in our police department. And I realize now, based on the experience that happened at RCC this week that, given the attacks against the terrorists...against the World Trade Center and New York, it's going to be even tougher. We had a situation at RCC last week where we had published an article, an editorial that was critical of Ben Clarke's decision to retain Sgt. Gregory Preece as an employee with the district and with Ben Clarke Training Academy months, and even years, after he'd been fired from the Riverside Police Department. We asked in the editorial that the Board of Trustees ask that they do an investigation of the hiring practices of Ben Clarke Training Academy. The editorial came out before the attacks on the Trade Center. We got a phone call, a phone message from a person identifying himself, not by name, but as a member of a law enforcement organization and affiliated with Ben Clarke, that basically said that we were traitors because we were criticizing the police department, that when we slammed police over here, we were slamming those that died in the World Trade Center. He said we were being watched. He told us that he and others would stop at nothing until they had modified the coverage of our newspaper, including going to the Board of Trustees.

Now, I found it highly insulting – 'cause he singled me out by name; this is somebody probably I'd had contact with in the past – and to say that you can criticize the actions of the Academy of keeping a police officer as an instructor who goes against everything that any good police officer should stand for, and his choice to violate procedures and engage in racial and profane remarks at the scene of a tragic shooting.

Now, apparently you can't even do that without being told that while you're slamming that officer when you're just criticizing him, you're slamming all the officers who died at the World Trade Center. So people are using the deaths of those officers to justify #1 – not being able to criticize even one officer, and #2 – advocating the censorship of a college newspaper. And we're trying to figure out what to do about this situation. We don't know who this person is. He...he didn't leave a name. I've talked to members of the Board of Trustees, several of them. They don't know...I mean, nobody's come in touch with them. But it was just really sobering in that, when I thought about the meeting tonight, I thought, "Well, the Police Commission is still going to have to do it's job. They're still going to have to look at complaints. They're still going to have to make decisions about the complaints that, as we saw in the past with one complaint, that not everybody's going to like. The community may not like it, but the Police Department might not like it either." And I just hope that, I mean, no matter what they say, if they don't agree with the decision that you make and they don't think you're patriotic enough, but you still have that responsibility that the community has given you. Thank you.

CHAIRPERSON HOWE – Comments anyone? Okay, is there any other public comments? If not, we'll move to Agenda Item 6, discuss and vote on the amendment to the CPRC By-Laws. This is a proposed amendment to the City of Riverside Community Police Review Commission By-Laws, submitted by...

COMMISSIONER GARDNER – Mr. Chairman?

CHAIRPERSON HOWE – Yes?

COMMISSIONER GARDNER – I actually drafted this at the request of the Executive Director in response to a suggestion by Capt. Dana. That's kind of the history and then it went through our ad hoc committee on the rules and regulations.

CHAIRPERSON HOWE – You want to read it, Mike?

COMMISSIONER GARDNER – Sure. Okay, it would be an amendment to Section 6.1 of the existing By-Laws, adding a new subsection G to read:

“To review and advise the Police Department in matters pertaining to police policies and practices including making formal recommendation or amendment to the Police Department's Policy and Procedures Manual and on Police Department proposed amendments to the Policy and Procedures Manual.”

And then the existing subsections G, H and I would re-letter as H, I and J.

CHAIRPERSON HOWE – Okay, any questions that anyone has on this proposal for the amendment? Okay, I'll entertain a motion...

WH – So moved.

CHAIRPERSON HOWE – Is there a second?

COMMISSIONER GARCIA – Second.

CHAIRPERSON HOWE – Question on the motion? All those in favor say “aye.”

Unanimous “aye ” by commissioners.

CHAIRPERSON HOWE – Opposed, same sign. Carried.

Okay, that concludes the public section of the agenda. We're going to adjourn, move to the closed session to review cases and, I thank you all for attending.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 6:44 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
01-068	PC-01-130-039
01-073	PC-01-139-016
01-097	PC-01-174-140
01-104	PC-01-183-326

The Commission adjourned at 7:30 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk